

FILED

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NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

SAMUEL CONTRERAS,

Petitioner - Appellant,

v.

MARGARITA PEREZ, Chairwoman
Board of Prison Terms for California; et
al.,

Respondents - Appellees.

No. 05-55720

D.C. No. CV-04-07284-JVS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted October 22, 2007^{**}

Before: B. FLETCHER, WARDLAW and IKUTA, Circuit Judges.

California state prisoner Samuel Contreras appeals pro se from the district court's judgment denying his 28 U.S.C. § 2254 petition challenging the California

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Board of Prison Terms’ (“the Board”) decision denying him parole. We have jurisdiction pursuant to 28 U.S.C. § 2253, and we affirm.

Contreras contends that he was denied parole without evidence to support the decision. A review of the record establishes that there was “some evidence” to support the Board’s decision to deny parole. *See Irons v. Carey*, No. 05-15275, 2007 WL 2027359, at *3 (9th Cir. July 13, 2007); *Sass v. Cal. Bd. of Prison Terms*, 461 F.3d 1123, 1128-29 (9th Cir. 2006). We reject Contreras’ contention that the Board’s continuing reliance on the nature of the commitment offense as justification of the denial of parole and its failure to set a term of release in accordance with Cal. Penal Code § 3041 violated his right to due process. *See Irons*, 2007 WL 2027359 at *5-6. We conclude that the California courts’ rejection of this claim was neither contrary to nor an unreasonable application of clearly established federal law. *See* 28 U.S.C. § 2254(d)(1).

Contreras’ request for judicial notice is granted.

AFFIRMED.